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Votes in Energy & Commerce Committee to restore policymaking authority on greenhouse gas emissions to Congress

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WASHINGTON – Congressman Charles F. Bass (NH-02) supported legislation in the House Energy and Commerce Committee today that will restore the proper relationship between Congress and regulatory agencies and prevent the Environmental Protection Agency (EPA) from overstepping its authority. The Energy Tax Prevention Act (H.R. 910) would reaffirm that Congress has the authority to establish policies to regulate greenhouse gas emissions.

Bass said:

"This legislation is not a debate on whether climate change exists, nor is it about preventing policies from being implemented that reduce greenhouse gas emissions. This legislation is about restoring legislative authority to its rightful owner – Congress – and prohibiting a regulatory agency – the EPA – from implementing policies without proper authority."

Earlier this afternoon, the Committee unanimously accepted an amendment offered by Rep. Jim Matheson (UT-02), and amended by Bass, that states there is an established scientific concern over the warming of the climate system and that Congress should develop a policy that addresses climate change matters while taking into consideration the impact on the economy.

Bass continued:

"This bill is a starting point for this Committee and Congress as a whole to have a meaningful debate about climate change and reducing greenhouse gas emissions. While there may be disagreement over the science of climate change, we should never limit its study. But the power to enact those policies rests with Congress, not the EPA."

The bill passed the Energy and Commerce Committee by a vote of 34 to 19 this afternoon and now awaits a vote in the full House of Representatives.

Bass submitted the following statement for the record at the Committee mark-up of the Energy Tax Prevention Act:

"As we consider the Energy Tax Prevention Act of 2011, I want to make two points clear. This legislation is not about whether or not climate change exists. Nor is it about preventing the move toward policies that will reduce greenhouse gas emissions and allow us to have a low carbon producing economy.

"I for one think that climate change is real and a problem that needs to be addressed with practical solutions that have attainable goals to reduce emissions and provide certainty in our economy. The United States needs to be a global leader in reducing greenhouse gas

emissions. But it must be Congress that establishes these policies, not the Environmental Protection Agency (EPA) through the use of a broad interpretation of the Clean Air Act. The Clean Air Act and its subsequent amendments were not crafted to address greenhouse gas emissions, but designed to target pollutants that directly impact human health. EPA's endangerment finding that has led to these new rules goes beyond the scope of the current law, and while I respect the EPA's intentions, I cannot support its actions.

"H.R. 910 focuses on maintaining the proper relationship between Congress and regulatory agencies. Congress establishes the laws, and the regulatory bodies, such as the EPA, are responsible for implementing them. Agencies must not be able to regulate what has not been legislated. Doing so does not solve problems, but creates even more uncertainty as it opens up the agencies' rules to countless legal challenges. We have already seen lawsuits filed by attorneys general at the state level as a result of the EPA's decisions, and I fear they will be the first of many.

"On multiple occasions, President Obama has stated that he prefers Congress take the lead in establishing a greenhouse gas control regime. Even the economy-crushing Waxman-Markey bill from the 111th Congress specifically limited the ability of the EPA to set greenhouse gas standards based on climate effects. There is bipartisan agreement that the proper way to address the impact of greenhouse gas emissions on climate change is through Congressional action.

"I am committed to finding a workable solution to achieve cleaner air, help address global warming, and preserve the economic competitiveness of the United States in the global marketplace. I previously had introduced legislation, along with my former Republican New Hampshire colleagues, to control sulfur dioxide, nitrogen oxide, mercury, and carbon dioxide emissions from all power plants as a first and reasonable step in the process of reducing emissions. I have also fought to ensure that companies are required to install more stringent pollution controls when upgrading or enhancing their facilities. The nation's electric utilities power the world's most productive economy, but they also produce greenhouse gas emissions. It is concerning to me that over one-quarter of all greenhouse gas emissions are generated from coal-fired electricity generation facilities in the United States. We must work to reduce this amount by promoting energy efficiency programs and increasing generation from non-emitting sources such as nuclear, hydro, wind and other alternative forms of clean energy.

"Opponents of H.R. 910 will say we are taking a step back in our nation's attempts to reduce the amount of greenhouse gas in our atmosphere. However, I believe we are making the correct choice by stopping the EPA from pursuing an approach to this environmental threat that is wrong, subject to endless litigation and does not take into account the competitive disadvantage these rules will put on our domestic economy against global competitors. Once the EPA is stopped, Congress can turn its attention to pursuing more promising solutions to climate change; the ones that effectively take it on will make a real difference.

"It is also important to note what this bill does not do. It does not impede the important work of the EPA, which is working with state environmental officials to reduce air pollution like ozone and particulate matter, and the continued effort to get toxins like mercury and lead out of the air.

The successful programs under the Clean Air Act need to continue, and under the Energy Tax Prevention Act, they will.

"The bill also leaves in place new automobile and truck fuel economy standards that will require sharp increases beginning with the 2012 model year vehicles. It allows the Renewable Fuel Standard to move forward and ensures that there is no impact on demonstration projects or studies aimed at addressing climate change. While there may be disagreement over the science of climate change, we should never limit its study.

"New Hampshire and its neighbors in New England are often referred to as the "tailpipe of America" as a result of pollution that originates from industrial and urban centers along the Eastern Seaboard and Midwest, which is then carried by weather patterns into our backyards. Our region has taken steps of its own to reduce greenhouse gas emissions, and now is the time to expand beyond the Northeast and focus on ways to reduce emissions from all domestic and global sources. I will support the Energy Tax Prevention Act, but to me that is merely a starting point in our work on climate change.

"I look forward to working with the members of this Committee on both sides of the aisle, the EPA, and others in the Administration to find workable solutions to the climate change problem. I would ask those of you who believe as I do that climate change is real and is a serious problem to join me in jettisoning what won't work and focusing on what will."

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